



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 28, 2022


United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE
OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA; SCOTT ELLINGTON; ISAAC LEVENTON; GRANT JAMES SCOTT III; STRAND ADVISORS, INC.; NEXPPOINT ADVISORS, L.P.; HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.; DUGABOY INVESTMENT TRUST AND NANCY DONDERO, AS TRUSTEE OF DUGABOY

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

STIPULATION AND PROPOSED
ORDER

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

INVESTMENT TRUST; GET GOOD TRUST AND GRANT JAMES SCOTT III, AS TRUSTEE OF GET GOOD TRUST; HUNTER MOUNTAIN INVESTMENT TRUST; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1 AND LAWRENCE TONOMURA AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #1; MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2 AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; AND SAS ASSET RECOVERY, LTD.,

Defendants.

STIPULATION AND PROPOSED SECOND AMENDED SCHEDULING ORDER

Plaintiff Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust (the “Litigation Trustee”), and the Defendants (together with the Litigation Trustee, the “Parties”), stipulate and agree that following the Litigation Trustee’s filing of his *Amended Complaint and Objection to Claims*, dated May 19, 2022 [Docket No. 158] (the “Amended Complaint”), certain modifications to the Court’s *Amended Scheduling Order* [Docket No. 81] (the “Scheduling Order”) are necessary and appropriate. The Parties hereby respectfully submit this *Second Amended Scheduling Order* (the “Revised Scheduling Order”) that, upon entry by the Court, supersedes and replaces the deadlines set forth in the Scheduling Order. Accordingly, the parties ask it be

HEREBY ORDERED THAT:

1. The Parties shall adhere to the following deadlines, which govern this Adversary Proceeding:

Event	Deadline
Deadline for each Defendant to answer or otherwise move against the Amended Complaint	July 11, 2022
Deadline for the Litigation Trustee to file an opposition to any motion filed by the Defendant(s) in response to the Amended Complaint	September 19, 2022
Deadline for each Defendant to file a reply to the Litigation Trustee's filing in opposition to any motion filed by Defendant(s) in response to the Amended Complaint	November 14, 2022
Substantial completion of fact document discovery	December 5, 2022
Start of fact depositions	Earlier of January 3, 2023 or decision on the last outstanding motion to dismiss
Completion of fact depositions	April 4, 2023
Deadline to exchange names and addresses of experts and expert witness reports	May 9, 2023
Deadline to exchange names and addresses of rebuttal experts and rebuttal expert witness reports	July 6, 2023
Expert discovery closes	August 10, 2023
Dispositive motion deadline	September 8, 2023
Deadline to file a response to dispositive motions	November 3, 2023
Deadline to file a reply in support of dispositive motions	December 1, 2023
Last date for hearings on dispositive motions (subject to the Court's schedule)	December 22, 2023
Deadline to exchange expert and witness lists	December 29, 2023
Joint pretrial order deadline	February 2, 2024
Written proposed findings of fact and conclusions of law deadline	February 2, 2024
Docket call	February 12, 2024 at 1:30 pm CT

2. This Revised Scheduling Order shall only be modified in a writing signed by the Parties or upon entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Revised Scheduling Order.

###End of Order###

AGREED AS TO FORM AND SUBSTANCE:

Dated: June 20, 2022

Respectfully submitted,

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